

AFFIDAVIT

I, Eric T. McAllister, a Task Force Officer with the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”), being duly sworn, state the following is true and correct to the best of my knowledge:

AFFIANT’S BACKGROUND

1. I am a Task Force Officer (TFO) with ATF, a Task Force Officer with the Northwest Missouri Drug Task Force and a Deputy Sheriff with the Grundy and Daviess County, Missouri Sheriff’s Offices. I have been employed in law enforcement for over 21 years and am a certified peace officer through the State of Missouri. I am commissioned through the Grundy County Sheriff’s Department in Trenton, Missouri. I received a Special Deputation Appointment from the United States Marshals Service on March 17, 2003.

2. During my over 21 years as a law enforcement officer, I have participated in numerous investigations including those concerning trafficking of controlled substances. For the past 15 years, I have been primarily responsible for conducting investigations into violations of Title 18, United States Code, Section 922, and Title 21 United States Code, Sections 841 and 846. These investigations have resulted in convictions of federal drug and firearm violations, and criminal and civil forfeiture of assets acquired with drug proceeds. I have also investigated the illegal outdoor cultivation of marijuana by Mexican Drug Trafficking Organizations (DTO).

3. This affidavit is based on a joint investigation by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Missouri State Highway Patrol (MSHP), Northwest Missouri Drug Task Force (NWMODTF) and Daviess County, Missouri Sheriff’s Office (DCSO). All the information within this affidavit is based upon either my personal observations or from information provided from other law enforcement officers.

BACKGROUND AND ROLES OF INDIVIDUALS

4. **Sergio Medina-Perez, a/k/a “Chapo”, a/k/a Sergio Medina-Galvan**, DOB: 05/16/1974, last known address of 9522 Giovane Street, Trailer Number 4, El Monte, California. **Medina-Perez** is employed by the Drug Trafficking Organization¹ (DTO) and assists in processing marijuana plants for packaging and distribution; his specific job is described as a trimmer². **Medina-Perez** has multiple arrests for illegal entry resulting in deportation, misuse of immigration documents, cultivation of marijuana, possession of marijuana, obstructing an officer, diversion of water flow, hit and run causing property damage, driving under the influence (multiple

¹A Drug Trafficking Organization consists of a group of individuals who conspire to manufacture and/ or distribute controlled substances and often engage in money laundering and crimes of violence. These groups often consist of a hierarchy that assigns other individuals to carry out various duties for the organization, such as, in this case, setting up and maintaining marijuana grow sites and distributing controlled substances.

²A trimmer is described as a person who trims the leaves and stems away from the marijuana buds.

counts), rape of a child and possession of heroin. **Medina-Perez** was living in California and the State of Washington before being employed by the DTO and moving to Missouri.

5. **Miguel Pulido-Maldonado, a/k/a “Mona”**, DOB: 06/30/1991, last known address 1761 Olympia Street, Modesto, California. **Pulido-Maldonado** is employed by the Drug Trafficking Organization (DTO) and assists in processing marijuana plants for packaging and distribution; his specific job is described as a trimmer. **Pulido-Maldonado**, by his own admission, illegally entered the United States approximately two years ago from Michoacán, Mexico, and was living in California prior to being employed by the DTO and coming to Missouri. **Pulido-Maldonado’s** criminal history shows a January 29, 2017 arrest at the United States Customs Border Patrol Station in McAllen, Texas for Alien Inadmissibility.

SUMMARY OF PROBABLE CAUSE

6. On July 17, 2018, MSHP Pilot Sergeant Bradley Holman³ and Tactical Flight Officer Sergeant Dustin Metzner conducted a marijuana spotting/eradication aerial flyover of the Magill Grow Site.⁴ The flyover was conducted using a Missouri State Highway Patrol Bell 407 helicopter (93MP) and was equipped with a Forward Looking Infrared (FLIR) camera system.

7. Upon arrival over the Magill Grow Site Sergeant Holman and Tactical Flight Officer Sergeant Metzner immediately recognized several hundred bright green marijuana plants planted in rows. The plants were in a clearing inside a large area of timber. The flyover was video

³Sergeant Bradley Holman is a Sergeant with the Missouri State Highway Patrol (MSHP) and has been employed with the MSHP for over seventeen years. Sergeant Holman’s duties have included full time marijuana eradication officer, where he identified and investigated outdoor marijuana grows. For the past four years, Sergeant Holman has been assigned to the MSHP Aircraft division where some of his duties as a pilot include identifying outdoor marijuana grow sites. Sergeant Holman has observed over 50 outdoor marijuana grow sites while flying aerial surveillance with the MSHP and is familiar with the characteristics and appearance of marijuana grow operations.

⁴The Magill Grow Site is a location described in United States District Court Search Warrants 18-SW-00306-SWH, 18-SW-00307-SWH and 18-SW-00308-SWH, authorized by United States Magistrate Judge John T. Maughmer on August 24, 2018, and described as Parcel #1 - 17-3.2-07-03.01, Legal Description -23.91 AC NW NW FRL, DISTRICT: 1750F; CITY/MUNI/TWNSP: COLFAX; SEC/TWN/RNG/MER: SEC 07 TWN 58 RNG 26, located in Daviess County, Missouri and owned by Israel and Eneida MENDOZA of 3218 Sylvan Drive, San Jose, California 95148-1222; Parcel #2 - 17-3.1-06-06.1, Legal Description - 4.6AC SW COR Legal Description: DISTRICT: 1750F; CITY/MUNI/TWNSP: COLFAX; SEC/TWN/RNG/MER: SEC 06 TWN 58 RNG 26, located in Daviess County, Missouri, and owned by Israel and Eneida MENDOZA of 3218 Sylvan Drive, San Jose, California; and Parcel #3 - 18-1.2-12-01, Legal Description - N 4 AC OF E 5 AC NENE SEE DEED - Legal Description: DISTRICT: 1850F; CITY/MUNI/TWNSP: COLFAX; SEC/TWN/RNG/MER: SEC 12 TWN 58 RNG 27, located in Daviess County, Missouri, and owned by Israel and Eneida MENDOZA of 3218 Sylvan Drive, San Jose, California.

recorded and maintained as evidence. Subsequently, Sergeant Allen and I reviewed the video of the July 17, 2018 flyover of the Magill Grow Site and recognized the dark green plants as marijuana.

8. On August 1, 2018, at approximately 2030 hours, investigators conducted surveillance on County Road 285th Street near a private field road that accesses the wooded area to the Magill Grow Site. Investigators, while conducting surveillance, observed a dark gray Chevrolet 1500 Pickup with camper shell, and hereafter referred to as Target Vehicle, enter the field road from 285th Street and travel into the wooded area of the Magill Grow Site.

9. On August 2, 2018, investigators installed a remote surveillance camera system along County Road 285th Street that captured vehicles entering or exiting the access road leading into the Magill Grow Site, in an attempt to capture those persons or vehicles responsible for operating and maintaining the grow site. The video surveillance system allowed law enforcement to capture video evidence of the subjects without physically being present at the remote location. A review of the video surveillance revealed the Target Vehicle entering and exiting the property approximately twenty separate times between the dates of August 4, 2018, and August 27, 2018.

10. On August 6, 2018, at approximately 1048 hours, MSHP Pilot Jeffrey Noack and Tactical Flight Officer Sergeant Bradley Holman conducted an aerial flyover of the Magill Grow Site at the request of Sergeant Larry Allen. The flyover was conducted using a Missouri State Highway Patrol Bell 407 helicopter (93MP) and was equipped with a Forward Looking Infrared (FLIR) camera system. During the flyover, Sergeant Holman recognized several hundred bright green marijuana plants planted in rows in the same or similar condition as observed on July 17, 2018. In addition, a green and white shed/building was observed in the wooded area of the Magill Grow Site. A distinct path or trail could be seen leading from the green/white building to the area containing the marijuana plants. The flyover was video recorded and maintained as evidence. Subsequently, Sergeant Allen and I reviewed the video of the flyover of the Magill Grow Site and recognized the dark green plants as marijuana.

11. On August 6, 2018, at approximately 1930 hours, I conducted physical surveillance on the Magill Grow Site access road. While conducting surveillance, I heard clanking noises, along with what I believe was a gas-powered generator running from the wooded area of the Magill Grow Site. Based on my training, experience and discussions with other experienced law enforcement officers, I believe generators are commonly used in marijuana grow operations for the following reasons: The generators provide electrical power to run things such as air conditioning units in living areas, power water pumps for irrigating marijuana, charging cordless tools used to cultivate and prune marijuana plants and provide lighting in make-shift living areas.

12. On August 6, 2018, at approximately 2036 hours, MSHP Pilot David Dinges and Tactical Flight Officer Sergeant Bradley Holman conducted an aerial flyover of the Magill Grow Site at the request of Sergeant Larry Allen. The flyover was conducted using a Missouri State

Highway Patrol Bell 407 helicopter (93MP) and was equipped with a Forward Looking Infrared (FLIR) camera system. During the flyover, Sergeant Holman determined, utilizing his FLIR camera system that three heat signatures were inside the Magill Grow Site at the time of the flyover. These three heat signatures were inter-mingled within the marijuana plants. The flyover was video recorded and maintained as evidence. Based on my training, experience and discussions with other experienced law enforcement officers, I believe as many as three subjects were located inside the Magill Grow Site at the time of the flyover. I further believe that since it was dark at the time of the flyover, that some or all of these persons were inside the grow site location to protect the site from law enforcement, trespassers, or other drug dealers. That belief is based on the fact that it would be difficult to maintain and care for the marijuana plants in the dark and the subjects would only be within the grow site to protect it against intruders.

13. On August 7, 2018, at approximately 1346 hours, surveillance observed the Target Vehicle leave the access road from the Magill Grow Site and travel south on County Road 285th Street. Surveillance observed Target Vehicle travel east on Missouri Route M Highway. Target Vehicle had Kansas License of 317-LHH and was occupied by two Hispanic male subjects. A subsequent records check revealed the vehicle was registered to Johnny Joe Garcia at 1517 North 23rd Street in Kansas City, Kansas, on a gray 2004 Chevrolet Silverado Pickup. The Target Vehicle was followed to a small package/ grocery store located in Breckenridge, Missouri. Surveillance observed two Hispanic males, subsequently identified as Vaudel Moreno Mendoza⁵ and **Sergio Medina-Perez**⁶ return from the store and re-enter the Target Vehicle. One subject was carrying bags of ice and placed them inside of the Target Vehicle. A surveillance video was taken of the two Hispanic males prior to them entering the Target Vehicle. **Medina-Perez** was wearing a dark colored shirt and camouflage pants with boots and wearing a flat bill Oakland Raiders cap. At approximately 1425 hours, surveillance observed Target Vehicle enter the access road and return to the Magill Grow Site. Based on my training, experience and discussions with other law enforcement officers, I know that persons engaged in the illegal manufacture and cultivation of marijuana often stay within the grow site for days if not weeks at a time. Those subjects typically dress in camouflage or dark clothing to conceal themselves while inside the grow operation. Further, I believe that maintaining a grow operation in a remote environment with no electricity requires sufficient supplies, such as the large bags of ice the Hispanic male carried from the package store. All of these facts indicate that multiple subjects may stay in the Magill Grow Site for long periods of time.

⁵Vaudel Moreno Mendoza was identified by a Missouri Department of Revenue Driver's License Photograph. Also, during a subsequent interview with **Sergio Medina-Perez**, **Medina-Perez** confirmed the identity of Vaudel Moreno Mendoza as the person depicted in surveillance photos taken on August 7, 2018.

⁶**Sergio Medina-Perez** was subsequently interviewed following his arrest on August 29, 2018. During that mirandized interview, he confirmed that he was depicted, along with Vaudel Moreno Mendoza, in the surveillance photos taken on August 7, 2018.

14. On August 16, 2018, at approximately 1350 hours, MSHP Pilot Sergeant Bradley Holman and Tactical Flight Officer Sergeant David Dinges conducted an aerial flyover of the Magill Grow Site at the request of Sergeant Larry Allen. The flyover was conducted using a Missouri State Highway Patrol Bell 407 helicopter (93MP) and was equipped with a Forward Looking Infrared (FLIR) camera system. During the flyover, Sergeant Holman recognized several hundred bright green marijuana plants planted in rows in the same or similar condition as observed on July 17, 2018 and August 6, 2018. The flyover was video recorded and maintained as evidence.

15. On August 24, 2018, United States District Court Search Warrants, 18-SW-00306-SWH, 18-SW-00307-SWH 18-SW-00308-SWH, hereafter referred to as the Search Warrants, were authorized to search the area described as the Magill Grow Site. Search warrant 18-SW-00309-SWH was issued authorizing the search of the Target Vehicle. Subsequently, on August 28, 2018, United States District Court Search Warrants, 18-SW-00317-SWH and 18-SW-00318-SWH, were authorized to search two additional structures located within the Magill Grow Site.

16. On August 27, 2018, investigators observed Target Vehicle traveling west on US Highway 24 in Independence, Missouri. At approximately 1139 hours, the Independence, Missouri Police Department, at the direction of the ATF, conducted a traffic stop of Target Vehicle on US 24 Highway near Kentucky Road in Independence, Missouri. The driver and only occupant was determined to be Johnny Joe Garcia. Subsequently, Target Vehicle was driven to a secure location to be searched pursuant to United States District Court Search Warrant 18-SW-00309-SWH.

17. On August 27, 2018, Johnny Joe Garcia was interviewed by ATF investigators. Prior to the interview, Garcia was read his Miranda Rights in both English and Spanish. In summary, Garcia was advised of the search warrants for both his vehicle and Magill Grow Site, containing the marijuana grow operation. Garcia advised there were three subjects staying within the Magill Grow Site and they were in possession of a .22 caliber rifle. Garcia identified one of the three persons as “Chapo”. Garcia was shown surveillance pictures taken on August 7, 2018 of two Hispanic males. Garcia identified “Chapo” as one of the persons depicted in the photograph. Investigators would subsequently identify “Chapo” as **Sergio Medina-Perez** following his arrest.

18. On August 27, 2018, the search warrants were executed on the Magill Grow Site. During the execution and securing of the property, investigators observed at least one Hispanic male flee into the wooded area and escape from investigators. A search of the property was conducted and the following items were located: approximately 2,464 cultivated marijuana plants⁷; numerous tools and equipment used to maintain and care for the plants; generators for electricity;

⁷With an approximate street value of \$1,800 per pound of marijuana, this results in approximately \$9,757,440 in marijuana plants seized from the Magill Grow Site on August 27, 2018.

a firearm; and other items used in the manufacture and cultivation of marijuana⁸. Investigators also located a flat bill Oakland Raiders cap inside the green metal shed. This cap was similar to the one worn by **Sergio Medina-Perez** on August 7, 2018 during a surveillance of Target Vehicle leaving the Magill Grow Site.

19. On August 29, 2018, at approximately 1135 hours, **Sergio Medina-Perez** was arrested near the Magill Grow Site in Daviess County, Missouri. Subsequently ATF investigators interviewed **Medina-Perez** at the Daviess County, Missouri Sheriff's Office in Gallatin, Missouri. Prior to any questioning; **Medina-Perez** was advised of his Miranda Rights both in English and in Spanish. He agreed to speak with investigators. In summary he stated his nickname was "Chapo" or "Shorty" and he came to Missouri from California to work as a trimmer at the marijuana grow operation and was paid \$100 for every pound of marijuana that he trimmed. He advised that "Mona" [**Miguel Pulido-Maldonado**] was also a marijuana trimmer and they worked together inside the grow operation for approximately one month. Subsequently, **Sergio Medina-Perez** was shown a photograph of **Miguel Pulido-Maldonado**, whom he identified as "Mona." He indicated during the execution of the search warrant that he [**Sergio Medina-Perez**], along with **Miguel Pulido-Maldonado** [AKA "Mona"] and "Gato" ["Gato" has not been identified] ran into the woods to escape from law enforcement. **Medina-Perez** advised he was illegally in the United States and had been previously deported from the United States multiple times.

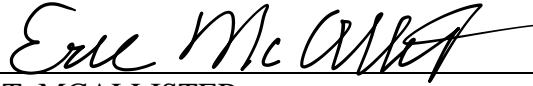
20. On August 30, 2018, the Daviess County, Missouri Sheriff's Office received a call of a Hispanic male walking on a gravel road in Daviess County near the area of the Magill Grow Site. Following a brief search for the subject, law enforcement arrested **Miguel Pulido-Maldonado**. At the time of the arrest, **Pulido-Maldonado** was covered in mud, his arms had numerous bites from either mosquitos or other insects and it appeared he had been outside for several days.

21. On August 30, 2018, ATF investigators interviewed **Pulido-Maldonado** at the Daviess County, Missouri Sheriff's Office in Gallatin, Missouri. **Pulido-Maldonado** was read his *Miranda* rights in Spanish and agreed to speak with the investigator. **Pulido-Maldonado** stated he was from Michoacán, Mexico, and had come to the United States approximately two years ago and had lived in Modesto, California prior to coming to Missouri. He stated he had been in Missouri for approximately one month. **Pulido-Maldonado** advised his cell phone no longer worked, so he left it in the rural area where he was located. **Pulido-Maldonado** denied any involvement in the marijuana grow operation.

⁸This is only a summary list for the purpose of this affidavit and does not include every item or piece of evidence recovered during the search warrant executions.

CONCLUSION

22. Based on this information, I believe there is probable cause to believe that within the Western District of Missouri, that **Sergio Medina-Perez** and **Miguel Pulido-Maldonado**, and others known and yet unknown, knowingly and intentionally combined, conspired, confederated and agreed together and with each other, and with other persons, to manufacture and distribute 1,000 or more marijuana plants, a Schedule I controlled substance, contrary to the provisions of Title 21, United States Code, Sections 841(a)(1), (b)(1)(A) and 846.

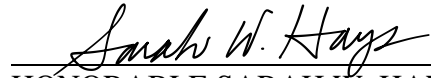


ERIC T. MCALLISTER

Task Force Officer

Bureau of Alcohol, Tobacco, Firearms and Explosives

Subscribed and sworn to before me
this 5th day of September, 2018.



HONORABLE SARAH W. HAYS

United States Magistrate Judge

Western District of Missouri